



Agenda Item No.:	3	Date:	April 15, 2008
Briefing No.:	2008-B0088	Prepared by:	Rick Bautista Kendall Moore
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(only grammatical changes made)

Briefing on Executive's 2008 recommended King County Code revisions intended to implement executive-proposed amendments to the King County Comprehensive Plan ("KCCP").

The Executive-proposed revisions to the King County Code consist of a packet of five proposed ordinances that amend seven titles or chapters of the Code. The proposed ordinances are:

1. 2008-0124 (KCC Title 20 - Planning)
2. 2008-0125 (KCC Title 9 - Surface Water Management)
3. 2008-0126 (KCC Chapter 13.24 - Water and Sewer Comprehensive Plans)
4. 2008-0127 (KCC Title 14 - Roads and Bridges)
5. 2008-0128 (KCC Chapters 16.82 - Clearing and Grading)
(KCC Title 19A – Land Segregation)
(KCC Title 21.A - Zoning)

NOTE: Many of the proposed Code revisions proposed in the Executive packet are not tied (directly or indirectly) to a specific current or proposed policy. In the following tables, proposed Code changes that are linked to any specific policy will be called out.

TABLE 1

PROPOSED ORDINANCE 2008-0124 (TITLE 20 – PLANNING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
1.	(1/15)	Findings		
2.	20.12.010 (10/219)	Adopt the 2008 King County Comprehensive Plan		
3.	20.18.140 (12/256)	Modify deadline for submitting docket requests to June 30 of each year		
4.	20.18.170 (14/297)	Extend the Four-to-One program to December 31, 2010		
5.	20.18.180 (15/321)	Amends Four-to-One standards to:	U-186	Could have most immediate application to a 4-to-1 proposal east of Redmond @ Union Hill Road
	(15/335)	1. Allow director to consider need to protect critical areas in determining location of the new urban area		
	(16/343)	2. Allow reduction of open space buffer to no less than 200 feet if warranted by topography or critical areas	R-219	Intended to create more demand for TDR credits
6.	20.20.020 (19/413)	1. Change critical area decisions, except for alteration exceptions, from a Type II to a Type 1 land use decision		1. See analysis below
	(21/416)	2. Clarify that Type 2 land use decisions made in context of a Type 3 or Type 4 land use decision are combined into a single review and appeal process		2. Ongoing discussions with Hearing Examiner to ensure this works the way intended
7.	20.20.100 (24/476)	Exclude from permit time periods, any period for which there is an outstanding fee balance due past 60 days of invoice		Permit review period "Clock" stopped while outstanding fees (60 days late) unpaid
8.	20.24.190 (27/536)	Urban rezone applications to increase density require the purchase of TDR credits for the additional units	U-124 U-124a	Intended to create more demand for TDR credits but could be barrier to future higher density in the urban areas
9.	20.44.040 (28/563)	Clarify the critical areas to which a lower categorical exemption threshold for grading would apply		See analysis below
10.	20.44.080 (31/622)	Add King County's Surface Water Regulations, Road Standards, and Clearing and Grading regulations to the regulations that King County has determined provide adequate mitigation under SEPA for development impacts in the urban growth area		

ANALYSIS

In regards to Section 6, #1, this would have the effect of removing the opportunity for an administrative appeal for decisions such as critical area determinations.

In regards to Section 9, the SEPA categorical exemption for filling or excavating in all critical areas is currently 100 cubic yards. The revision applies a 500 cubic-yard categorical exemption for critical areas that are not aquatic areas, wetlands, steep slopes or landslide hazard areas.

TABLE 2**PROPOSED ORDINANCE 2008-0125 (TITLE 9 - SURFACE WATER MANAGEMENT)**

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
1.	9.04.020 (10/211)	Modify definition of replaced impervious surface		Executive states that the changes are required by state Dept. of Ecology under the County's NPDES Municipal Permit Verifying documentation requested from Executive
2.	9.04.030 (13/280)	Drainage review threshold includes replaced impervious surfaces		Same as above.
3.	9.04.050 (15/322)	Add water quality impacts as a consideration in Core Requirement 2		Same as above
4.	9.12.025 (23/504) (24/524)	1. Clarify the activities that with the use of best management practices are not considered to be prohibited discharges for water quality purposes 2. Modify the activities that are not considered to be prohibited discharges for water quality purposes		Same as above 1. See analysis below
5.	9.12.035 (27/605)	Clarify who may qualify for an exemption from the requirement to implement best management practices under the Surface Water Design Manual		Same as above
6.	9.12.080 (30/669)	Clarify that penalties collected for enforcement of Title 9 are to be used for programs for the protection of water quality		

ANALYSIS

Ordinance Subsection 4b contains a number of “everyday” activities that may be prohibited in the future. Some of these activities are:

- Potable water line flushing;
- Lawn watering with potable water;
- Dust control with potable water;
- Automobile and boat washing;
- Pavement and building washing;
- Swimming pool and hot tub maintenance;
- Auto repair and maintenance;
- Building repair and maintenance;
- Landscape maintenance;
- Hazardous waste handling;
- Solid and food waste handling; and
- Application of pesticides.

TABLE 3**PROPOSED ORDINANCE 2008-0216 (CHAPTER 13.24 - WATER AND SEWER PLANS)**

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
1	13.24.010 (2/37)	Include the concept of "timely and reasonable service," as is required under both the 2003 Municipal Water Law and the Public Water System Coordination Act	F-225 F-241	
2	13.24.020 (5/89)	Substitute department "staff" for department "engineers" with responsibility to make recommendations to DNRP Director on approvals of sewer and water system plans		
3	13.24.035 (5/94)	Remove cross-reference to KCC 13.08.070, which has been repealed		
4	13.24.060 (7/130)	Include flood hazard management and emergency response plans within the list of county adopted plans with which water and sewer plans must be consistent	F-240	
5	13.24.075 (8/152)	Clarify role of DNRP with respect to utility comprehensive plans and implementation of groundwater management plans and wellhead protection programs		
6	13.24.080 (8/171)	Modify composition and membership of the Utilities Technical Review Committee (UTRC) by adding county demographer	F-238 through F-242	
7	13.24.090 (9/174)	Clarify authority of the UTRC	F-238 through F-242	
8	13.24.100 (10/213)	Designates UTRC chair and authorize participation by state DOE and DOH	F-238 through F-242	
9	13.24.136 (102/247)	In limited circumstances, in the urban growth area, allow septic tanks if sewer service is not available for a proposed short subdivision	F-245	See analysis below.
10	13.24.138 (15/328)	Allow more than one exempt well if each lot in a subdivision is at least 20 acres	F-231	
11	13.24.140 (17/353)	1. Add restriction on use of exempt wells as interim water service facilities to situations where Group B water service can be provided consistent with service preference order	F-229	
	(17/368)	2. Require any well that is abandoned in the process of connecting to a Group A water system to be decommissioned	F-228	

ANALYSIS

Council staff is coordinating with the Executive to develop policy and Code language relating to alternatives steps if a sewer service provider is unable or unwilling to maintain a private on-site sewage system.

TABLE 4

PROPOSED ORDINANCE 2008-0127 (TITLE 14 - ROADS AND BRIDGES)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
1. 2. 3. 4. 5. 6.	14.30.020 14.44.010 14.45.060 14.45.130 14.46.010 14.46.090 (2/20 through 6/123)	Correct references to "sensitive areas" in Title 14		
7.	14.70.210 (7/129)	1. Modify definitions related to Transportation Concurrency 2. Monitored corridors for concurrency are principal and minor arterials as defined by King County Arterial Functional Classification		Council will receive a detailed briefing on proposed policy and related code changes at a later date
8.	14.70.220 (13/270)	1. Eliminate the Transportation Adequacy Measure standard for concurrency and replace with travel time standards to principal and minor arterials 2. Urban Mobility Areas are Urban Commercial Centers as shown on the King County Comprehensive Plan Land Use Map and will have a concurrency level of service standard F 3. Rural Mobility Areas are the rural towns of Fall City, Snoqualmie Pass and Vashon and will have a concurrency level of service standard E 4. Rural commercial centers of Cottage Lake, Maple Valley, Preston and Cumberland will have concurrency level of service standard D	T-216a through T-216f T-212a T-212a T-212b	
9.	14.70.230 (15/307)	1. Replace concurrency zones with larger travel sheds 2. Eliminate the current two part concurrency test 3. Concurrency for both commercial and residential development is determined by referring to a map adopted by the King County Council	T-216a T-216c T-216c	
10.	14.70.240 (17/359)	1. Conform development application process with revised concurrency process. 2. Concurrency is valid for permit application period and for period of development approval		
11.	14.70.260 (18/376)	Eliminate administrative appeal of non-residential concurrency denial or approval		
12.	14.70.270 (19/407)	Conforming amendments to reflect modified concurrency process		
13.	14.70.285 (23/487)	Allow rural subdivisions and short subdivisions to use TDR purchases from the same travel shed to achieve concurrency	T-216f	

ANALYSIS: To be provided at a later GMNRC meeting

TABLE 5-A

PROPOSED ORDINANCE 2008-0128 (CHAPTER 16.82 - CLEARING AND GRADING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
1.	16.82.010 (5/100)	Adds "materials processing" to list of activities where the goal is to minimize impacts associated with the activity		
2.	16.82.020 (8/161)	Modify definition of site to be consistent with K.C.C. Title 21A		
3.	16.82.030 (14/198) (15/227) (17/265)	1. Include amount of replaced impervious surface in determining whether 2,000 square foot threshold for when a grading permit is required 2. Permit is required for grading in the road right of way in excess of drainage review thresholds 3. Modify circumstances when permit is required for maintenance or repair of flood protection facility		Executive states that the changes are required by state Dept. of Ecology under the County's NPDES Municipal Permit. Verifying documentation requested from Executive
4.	16.82.052 (19/320)	Delete outdated standards for review		
5.	16.82.100 (23/406)	Modify standards for soil moisture holding capacity		Concept clear but suggest reversing order of new text.
6.	New Section (23/414)	Allow clearing standards to apply to be transferred from one parcel to an adjacent parcel		This concept was initially proposed by the Executive as part of the Critical Areas Ordinance, but was not adopted by Council Similar to the TDR concept
7.	16.82.150 (26/484)	Clarify the critical areas that are to be taken into consideration in determining clearing standards		See analysis below
8.	16.82.152 (32/606)	Modify provisions governing clearing limits for subdivisions to be consistent with those that apply to individual parcels		

ANALYSIS

Although the revision to Section 7 of this Ordinance uses the same text as that added in Proposed Ordinance 2008-0124, Section 9, the effect is quite different. Under the current version of KCC 16.82.152, all critical areas and buffers can be used to meet RA zone clearing limits. By the proposed modification at Section 7, only those areas within the critical area and buffer that are defined as landslide or steep slope hazard areas, wetlands, aquatic areas can be counted to meet RA zone clearing limits.

TABLE 5-B

PROPOSED ORDINANCE 2008-0128 (TITLE 19A - LAND SEGREGATIONS)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
9.	New Section (32/609)	Prohibit sale of lots not created through subdivision process		See analysis below
10.	19A.08.160 (34/644)	Prior to final plat recording, require all private improvements outside of the right-of-way or road easement to be constructed		

ANALYSIS

The impetus for this change was to allow civil enforcement of the sale of an illegal lot. Council staff feels the text is somewhat cumbersome and the simple intent is somewhat lost. Below, first is the executive's proposed code revision. The second is a possible alternative.

Executive-proposed:

NEW SECTION. SECTION 9. *A new section is hereby added to K.C.C. chapter 19A.08 to read as follows:*

A. The segregation of land in accordance with chapter 58.17 RCW and this title shall be required prior to the sale or transfer of nine or fewer lots, tracts or parcels of land inside the Urban Growth Area and the sale or transfer of four or fewer lots, tracts or parcels of land outside the Urban Growth Area.

B. This provision shall not apply to lots where:

1. The department has issued a determination pursuant to KCC 19A.08.070 that the lot was legally segregated;

2. The department has issued a determination that the lot is exempt pursuant to KCC 19A.08.040 and RCW 58.17.040; or

3. The department has issued a determination of innocent purchaser status pursuant to 19A.08.090.

Alternative:

SECTION 9. Ordinance 13694, Section 2 and KCC 19A.08.170 are each hereby amended to read as follows:

Violations and enforcement. Any person or entity who violates any provision of this title or sells or transfers lots, tracts or parcels that are not created consistent with this title shall, in addition to any remedies and sanctions provided for under state law, be subject to the enforcement provisions of K.C.C. Title 23.

TABLE 5-C

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.06 – Definitions				
11. 12. 13. 14. 15. 16. 17. 18.	Chapter 21A.06 (34/648 through 36/692)	Add definitions for 1. Environmental education project 2. Paintball Modify Definitions for: 3. Changing message center sign 4. Fish habitat 5. Flood protection facility 6. Public road right of way structure 7. Slope 8. Trails		1. Is related to tree-house requests 4. See analysis below
<u>ANALYSIS</u> Specifies that fish habitat applies to only that with anadromous or resident salmonids				
Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.08 – Permitted Uses				
19.	21A.08.030 (38/702) (40/743) (41/751)	Residential Land Use table: 1. Allow clearing for agriculture as an accessory to a residential use in the Forest Zone to include agricultural activities in addition to livestock 2. Allow detached accessory dwelling units all urban residential zones on lots greater than 5,000 square feet, subject to compliance with supplemental parking, safety and setback requirements 3. Allow accessory dwelling units of between 1000 and 1500 square feet on rural lots with the purchase of a TDR	U-405a	See analysis below
20.	21A.08.040 (46-55/1033)	Add paintball as a conditional use in the RA zones		
21.	21A.08.050 (59-69/1287)	Allow personal services and health care offices in R zones as a conditional use and subject to restrictions		
22.	21A.08.070 (70-75/1359)	Allow wood products sales for materials milled on site in the F zone as an accessory use to a sawmill		Preston Mill Area Zoning Study
23.	21A.08.080 (76-82/1477)	Allow materials processing facilities in the RA zones as a permitted use on sites over ten acres and as a conditional use on sites ten acres or smaller		Council recently adopted this change. Section can be deleted
24.	21A.08.090 (83-89/1612)	Allow animal waste digester as an accessory use to an operating dairy or livestock operation in the A zone	R-553b	
25.	21A.08.100 (91-94/1690)	Allow specified accessory uses for a motor race track in the I zone		

ANALYSIS

These provisions generally carry out policy direction to encourage the development of accessory dwelling units, with a particular emphasis on allowing larger units in the Rural Area zones through the use of TDRs.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.12 – Density and Dimensions				
26.	21A.12.030 (95-103/1836)	Clarify maximum densities in R zones		
27.	21A.12.040 (103-106/1886) (104)	Density and Dimensions Table (non-residential zones) 1. Modify maximum density in CB to the same as the RB in mixed use developments 2. In the CB zone, increase base density from 18 to 48 units per acre, with a maximum density of 72 units per acre with incentives and TDR 3. Heights increased for mixed-use CB zone developments	U-157 U-162	This is related to the SW 98 th St. Zoning Study, which calls for code changes providing incentives for mixed use development and the use of TDR credits See analysis below
28.	21A.12.170 (107.1929)	Allow greater wall heights where a wall crosses a setback		
29.	21A.12.210 ((110/1971)	Applies “sight triangle” code requirement only to road and driveways intersections on local access streets		
30.	New Section (112/2001)	Establishes minimum width for a joint use driveway		
31.	New Section (112/2007)	Allow personal services and health care offices in R zones if located within one-quarter mile of a commercial center and reuses an existing single family residential structure		

ANALYSIS

Council staff has noted some the need for additional clarity in the proposed code language and a better link to proposed revisions to policies U-157 and U-162. Staff is working with the executive for revised language.

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.14 – Design Standards				
32.	21A.14.040 (114/2066)	Adds a cross-reference to KCC 16.82.152.G which governs areas that are required to remain uncleared		
33.	21A.14.220 (117/2127)	Allow wall and fence height limitations to be exceeded in some instances where property abuts a critical area or is perpendicular to a set back		See analysis below

ANALYSIS: Council staff has noted some the need for additional clarification regarding the intent of linking the increase in fence height to a perpendicular layout.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.16 –Landscaping and Water Use				
34.	21A.16.050 (119/2164)	Eliminates a requirement for street trees in rural subdivisions		

ANALYSIS: No issue

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.18 – Parking and Circulation				
35.	21A.18.030 (121)	parking standards for paintball use established by DDES		

ANALYSIS: No issue

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.20 – Signs				
36.	21A.20.040 (127/2245)	Prohibits all changing message center signs		
37.	21A.20.060 (128/2278)	Allow internal illumination signs in all zones, subject to conditions on hours and brightness		
38.	21A.20.080 (130/2316) (130/2324)	1. Allow signs for home occupations and home industries on the same basis as for other businesses 2. Allow one residential identification sign per entrance		
39.	21A.20.120 (133/2395)	Community event signs without a conditional use permit limited to one month before event and two weeks after		
40.	21A.20.190 (134/2414)	Sign standards for Urban Planned Developments are the same as for Rural Towns		

ANALYSIS: No issues.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.24 – Critical Areas				
41.	21A.24.0445 <u>Alterations Table</u> (138 through 141) <u>Conditions</u> (142 through 165)	Allowed Alterations: <ol style="list-style-type: none"> 1. Treat stormwater and sanitary sewer pipes the same for purposes for purposes of allowed alterations 2. Add construction of bridge or culvert as part of a private driveway or private access road as an allowed alteration 3. Add construction of a new road in a plat as an allowed alteration 4. Add construction of a new residential utility service distribution line as an allowed alteration 5. Add maintenance or construction of new stream bank stabilization as an allowed alteration 6. Add environmental educational projects sponsored by a public agency as an allowed alteration 7. Surface water conveyance pipes through aquatic area buffers are subject to the same standards that apply to wetland buffers 8. A trail may cross a stream as an allowed alteration under the same conditions as a road 9. Clarify that noxious or invasive weed removal in agricultural drainage does not require a farm plan 10. Stormwater outfalls and conveyance through critical area buffers are not required to be vegetated conveyances 11. Clearing or pruning of vegetation for maintenance of view corridors or habitat enhancement requires an approved vegetation management plan 12. Clarify standards for maintenance or repair of flood protection facilities 13. Do not include drain fields associated with expansions in critical area buffers in calculating the amount allowable expansion within the critical area buffer 		<p>Except for #11, the proposed changes generally appear to provide additional regulatory and procedural flexibility in regards to activities that could occur in a critical area or buffer</p> <p>See analysis below</p>

ANALYSIS

Habitat enhancement projects are often undertaken by private organizations and are encouraged by the county. Requiring County approval of a vegetation management plan in order to conduct routine maintenance could:

- Discourage such projects from being established in the first place,
- Reduce or eliminate maintenance of such projects, or
- Result in maintenance activities becoming a code violation if done without the newly required vegetation management plan approval.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.24 – Critical Areas				
42.	21A.24.055 (165/3017) (166/3023) (166/3034)	Rural stewardship plans: 1. Limit to single family residential development 2. Limits modifications only to buffers for aquatic areas, wetlands and wildlife habitat areas and maximum clearing limits 3. Prior alteration exception or variance is a factor in development of rural stewardship plan		
43.	21A.24.070 (171/3137) (172/3170)	1. Increase to 5,000 square feet the maximum area that may be disturbed under an alteration exception or reasonable use exception and excludes driveways 2. Eliminate requirement that hearing examiner provide the council clerk notice of final decisions on appeal of an alteration exception		The current disturbance limit is 3,000 square feet
44.	21A.24.170 (173/3195)	Notice on title for critical areas not required for critical aquifer recharge areas		
45.	21A.24.240 (174/3215)	Modify standards for determining base flood depth and base flood velocity		
46.	21A.24.250 (183/3426)	Update reference to stream bank stabilization guidelines		
47.	21A.24.260 (184/3446)	Adds s sentence stating that “A residential structure cannot be constructed on fill placed within a mapped FEMA floodway”		See analysis below
48.	21A.24.290 (188/3523)	Limit waiver of engineering study and design requirements to one story buildings in seismic hazard zones		
49.	21A.24.311 (188/3530)	Clarify procedures for updating Critical Aquifer Recharge Area Maps		A new CARA map will be available soon
50.	21A.24.312 (189/3546)	Allows department to administratively add CARAs to the Critical Aquifer Recharge Area Maps		Would not require council action
51.	21A.24.313 (189/3555)	Modify standards for Category I Critical Aquifer Recharge Area to add areas within one-year time travel to Group A water system well-head		
52.	21A.24.316 (191/3600) (193/3633)	Bring standards for septic tanks in critical aquifer recharge areas into conformance with Washington Department of Health Standards		

ANALYSIS

Except for Section 47, changes generally appear to provide additional flexibility. Section 47 is unclear as to what is gained by adding the new sentence, since the current Code is already more restrictive in that it prohibits all new residential and non-residential structures within the FEMA floodway...fill or no fill.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.24 – Critical Areas				
53.	21A.24.325 (196) (202/3728)	1. Modify wetland buffer standards to comply with current Ecology guidance on wetland buffers 2. Modify method of establishing wetland buffers under a Rural Stewardship Plan 3. Eliminates residential uses in RA zone with approved rural stewardship plan as “low impact”		3. See analysis below
54.	21A.24.335 (206/3829)	Modify standards for altering Category IV wetlands to allow combination with an existing wetland, as opposed to the current requirement allowing only the establishment of a new wetland	E-456	Consistent with current policy
55.	21A.24.340 (210/3890)	Delete provision allowing two or more contiguous sites to be considered as one for purpose of determining wetland mitigation ratios		Impact of and reason for this change is not clear
56.	21A.24.355 (211/3911)	Clarify that for Type O aquatic areas, physical connection to other waters may include a pipe or culvert		
57.	21A.24.358 (214/3972)	Allow modification of standard aquatic area buffers if enhancement or restoration causes classification of the aquatic area to change		Added text essentially removes a penalty for those wishing to voluntarily improve or enhance an aquatic area buffer
58.	21A.24.365 (215/3999)	Require proposals to add large woody debris to Type S waters to consider impact on recreational uses		See analysis below
59.	21A.24.380 (218/4067)	Mitigation for temporary alterations to an aquatic area may include measures in addition to restoration of the area		
60.	New Section (218/4072)	Establish standards for locating aquatic habitat restoration projects within the agricultural production district	R-542	
61.	21A.24.500 (220/4105)	Allow critical area designations to be conducted for all critical areas		
62.	21A.24.515 (222/4158)	Modify wetland monitoring study requirement to encompass critical area monitoring generally		

ANALYSIS

Staff will review this CAO-related revision in more detail as part of the GMNRC review of Chapter 4 – Environment. However, it should be noted that the proposed change in Section 53 eliminating residential uses in RA zone with approved rural stewardship plan as a “low impact” land use is a substantive change and makes it appear that it would become a “high impact” land use, unless it is intended to be replaced by new text on line 3810.

In regards to Section 58, the GMNRC will receive a briefing on the issue of large woody debris.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.28 – Public Services and Utilities				
63.	21A.28.154 (222/4170)	Modify membership of the School Technical Review Committee		

ANALYSIS: No issue

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.34 – Residential Density Incentives				
64.	21A.34.040 (237) (239) (240)	Residential density Incentives: 1. Adds energy conservation incentives for proximity to light/commuter rail station 2. Allow a “compact housing” density bonus in urban residential zones for the construction of detached single family homes 1500 square feet or smaller and for new manufactured housing units 3. Allow a density bonus in urban growth area commercial centers that include walkable design and transit oriented elements	U-422a	See analysis below

ANALYSIS

1. Council staff is working with the executive to develop clearer links between policy and code.
2. The intent is to provide additional density with smaller units.

TABLE 5-C (continued)

PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.37 – Transfer of Development Rights (TDR)				
65.	21A.37.010 (240/4280)	Modify TDR purpose statement	R-212 through R-215	Appears to be primarily grammatical
66.	21A.37.020 (241/4302) (242/4321)	TDR Sending Sites 1. Allow some state DNR owned land to be sending sites 2. Allow RA-2.5 zoned sites as sending sites	R-217	The primary beneficiaries of #2 would be owners of physically constrained parcels that might be economically infeasible to develop
67.	21A.27.030 (246/4398)	Property located within the shorelines of the state may not be TDR receiving sites		May be related to potential changes in the Shoreline Master Program
68.	21A.37.040 (249/4434) (247/4441) (248/4445) (249/4473)	1. Allow one TDR credit for every 5 acres of an RA zoned sending site 2. Provide a bonus TDR credit for vacant non-conforming lot sending sites 3. Provide bonus TDR from conservancy and natural designated shorelines 4. Each Rural TDR is equivalent to two additional units above base density for urban receiving sites	R-217	Many of these code revisions carry out the intent to create more demand and incentives for participation in the TDR program
69.	New Section (249/4481)	Urban receiving site that purchases a rural TDR may take into consideration reduced greenhouse gas emissions		Intended to create more demand for rural TDR credits
70.	21A.37.060 (250/4486)	Adds clarifying detail about TDR issuance process		
71.	21A.37.080 (252/4548)	Adds clarifying detail about TDR issuance process		
72.	21A.37.100 (254/4597)	Clarify purpose and use of TDR bank funds		
73.	21A.37.110 (256/4630)	Allows use of TDR bank funds for DNRP staff support		Reduces reliance on CX funds

ANALYSIS

A number of Code revisions to implement the executive-proposed TDR policy amendments are still being developed by Executive staff. The Council will receive a more detailed briefing on the TDR policies and implementing code provisions later in the Spring.

TABLE 5-C (continued)**PROPOSED ORDINANCE 2008-0128 (TITLE 21A - ZONING)**

Ordinance Section	Code Section (Page/Line)	Revision Summary	Related Policy	Council Staff Comment
Chapter 21A.38 – Special District Overlays				
74.	21A.38.080 (256/4641)	UPD Overlay may be applied to sites 100 acres or larger		This revision is proposed to allow application of UPD standards o the future development of the Maple Valley Summit Pit property
75.	21A.38.090 (258/4670) (258/4687) (260/4715)	Economic Special District Overlay: 1. New developments receive a 50% reduction in parking requirement if they provide a minimum of 2 stories of residential above ground-floor commercial 2. Remove provisions that waive the landscaping, setback, pedestrian circulation, and impervious surface and lot coverage requirements of the zoning code 3. Buildings must be oriented to face the pedestrian designed streets, and if on a corner adjacent to two pedestrian streets, buildings must orientate themselves to face both pedestrian street.		See analysis below Note: Executive staff have indicated an intent to provide for height and density bonuses for building structured parking. Such bonuses do not appear to be provided in this section

ANALYSIS

In 1994, the Economic Development Overlay was designed for and applied to the White Center commercial district to reflect the fact that the area was highly urbanized and economically depressed. At the time, it was determined that a number of code provisions (such as landscaping, impervious surface and lot coverage, and building setbacks) worked to hinder the potential redevelopment of under-utilized commercial properties. In addition, when applied, these standards resulted in a “suburban strip-mall” development pattern whereby buildings had to be set back from the street and landscape areas were required along streets to shield parking areas from view.

Moreover, the pedestrian circulation requirement was first introduced in the Code to address the lack of interconnection between parking lots that resulted from using the suburban strip mall standards that tend to push parking lots between buildings and the street. The existing street grid pattern with small blocks was not considered a hindrance to pedestrian circulation and is today considered a key design standard in “pedestrian-friendly” design.

ATTACHMENTS:

None